

RESOLUTION NO. 14 05-06

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO
UPHOLDING APPEAL OF THE PLANNING COMMISSION'S DENIAL
OF BRUCE ROAD TENTATIVE SUBDIVISION MAP
AND ADOPTING A MITIGATED NEGATIVE DECLARATION
AND CONDITIONALLY APPROVING
BRUCE ROAD TENTATIVE SUBDIVISION MAP (S 04-04) LOCATED
ON THE EAST SIDE OF BRUCE ROAD APPROXIMATELY 400 FEET
NORTH OF LITTLE CHICO CREEK

WHEREAS, a tentative subdivision map has been submitted for 2.5 acres (gross) located on the east side of Bruce Road approximately 400 feet north of Little Chico Creek, identified as Assessor's Parcel No. 011-780-012, which would divide the 2.5 acre site into 12 single-family residential lots (The "Project"); and

WHEREAS, the Planning Commission considered the Project, staff report, and comments received at a noticed public hearing held on June 2, 2005; and

WHEREAS, the Planning Commission denied the Project, finding the Project not consistent with the General Plan and City of Chico design criteria; and

WHEREAS, an appeal was timely filed with the City Council; and

WHEREAS, the City Council considered the Project, staff report, and comments received at a noticed public hearing held on July 19, 2005, passed on a vote of 5-2, a motion of intent to approve the project and directed staff to prepare a resolution based on Planning Commission Resolution 05-22 to adopt the revised mitigated negative declaration dated April 5, 2005 and approve the Project; and

WHEREAS, the City Council has considered the revised Initial Study and proposed mitigated negative declaration for the Project, which concludes that the proposed Project, with all required mitigation measures having been incorporated into it, will not result in a significant impact on the environment:

NOW, THEREFORE, BE IT RESOLVED BY THE City Council OF THE CITY OF CHICO
AS FOLLOWS:

1. The City Council finds that the mitigation measures set forth in Exhibit I hereto are in fact a part of the Project and are appropriate and will avoid or substantially reduce the described environmental impacts to a less than significant level.

- 1 2. The City Council, in exercising its independent judgment as the lead agency and after
2 considering the proposed mitigated negative declaration, all proposed conditions of approval
3 (including mitigation measures), all comments made in connection therewith, and the
4 recommendations of the Planning Director thereon, finds, on the basis of the whole record before
5 it, that:
- 6 A. There is no substantial evidence of a fair argument that the Project may have a significant
7 effect on the environment;
 - 8 B. The mitigated negative declaration has been prepared in conformance with the provisions
9 of the California Environmental Quality Act and the Chico Municipal Code, Chapter
10 1.40, "Environmental Review Guidelines;" and
 - 11 C. The mitigated negative declaration prepared for the Project reflects the independent
12 judgment of the Council.
- 13 3. The City Council hereby adopts the mitigated negative declaration and the mitigation monitoring
14 program attached as Exhibit "I."
- 15 4. The City Council further finds as follows:
- 16 A. The overall Project density is 4.8 dwelling units per gross acre which is consistent with
17 the Chico General Plan designation of Medium Density Residential-Open Space for
18 Environmental Conservation/Safety (4.01 to 14 dwelling units per acre) in place at the
19 time the application for the Project was deemed complete.
 - 20 B. The Project and its design and improvements are consistent with Chico General Plan
21 policies including policy CD-G-1 promoting a compact urban form in that the Project is
22 within the Chico urban boundary and already designated and zoned for urban
23 development; CD-G-45 and CD-G-53 encouraging new neighborhoods with a human
24 scale and oriented to pedestrians in that the Project is designed with a street that is not
25 excessively wide and includes street trees for shade, and sidewalks and parkways that
26 meet City standards; CD-G-54 encouraging integration of special unique natural features
27 in that the Project provides sufficient building setbacks outside of the driplines of large
28 trees located immediately south of the Project; LU-G-2 promoting infill development and

1 a compact urban form in that the Project is designated and zoned for residential
2 development within the urban boundary and the existing City limits; and H-G-20
3 ensuring an adequate supply of housing in that the Project provides for 12 additional lots
4 to be developed with residential units.

5 C. The Project is consistent with the R2 Medium Density Residential-RM Resource
6 Management overlay zone zoning classification in place at the time the application for
7 the Project was deemed complete, and with all applicable provisions of Titles 18 and 19
8 of the Chico Municipal Code.

9 D. There are adequate provisions for public and emergency vehicle access, sanitation, water
10 and public utilities and services to ensure that the Project will not be detrimental to
11 public health and safety.

12 E. Future development of the Project will not be detrimental to the public interest, health,
13 safety, convenience, or welfare of the City.

14 F. No substantial evidence has been presented that would require disapproval of the Project
15 pursuant to Government Code Section 66474.

16 G. The City Council finds that the following modifications to the Design Criteria and
17 Improvement Standards of Title 18R of the Chico Municipal Code are necessary to due
18 to the shape of the project site that render it undesirable, in the particular case, to
19 conform to the design criteria and improvement standards. The modifications are:

20 (1) Allow lot depths greater than three times the width; and

21 (2) Allow the street to terminate without a cul-de-sac.

22 5. The City Council hereby grants the modifications to the subdivision design criteria and
23 improvement standards.

24 6. Based on the above findings, the City Council hereby approves the Project, subject to compliance
25 with:

26 A. The mitigated negative declaration and monitoring program set forth in Exhibit "I";

27 B. The conditions of approval set forth in Exhibit "II"; and

28 C. The conditions of approval set forth in the Subdivision Report in Exhibit "III."

1 7. The City Manager is authorized to sign the final subdivision map for this subdivision, pursuant
2 to the Chico Municipal Code, upon certification by the Director of Public Works that all
3 conditions of approval have been met or agreed to be met, in a form acceptable to the City of
4 Chico, and that all development is or will be done in accordance with the standards of the City
5 of Chico and the Municipal Code.

6 8. The City Council hereby specifies that the materials and documents which constitute the record
7 of proceedings upon which its decision is based are located at and under the custody of the City
8 of Chico Planning Division.

9 THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the City Council of the
10 City of Chico held on the 16th day of August, 2005, by the following vote:

11 AYES: Bertagna, Herbert, Holcombe, Kirk, Schwab, Gruendl


12 NOES: None

13 ABSENT: Wahl

14 ABSTAIN: None

15 DISQUALIFIED: None

16
17 ATTEST:

18 
19 _____
20 Deborah R. Presson, City Clerk

APPROVED AS TO FORM:

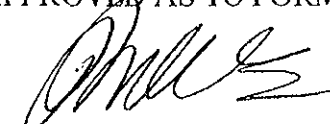
18 
19 _____
20 David Frank, City Attorney



Exhibit "I"

MITIGATED NEGATIVE DECLARATION & MITIGATION MONITORING PROGRAM CITY OF CHICO PLANNING DIVISION

(Revised 4/05/05 -

Revised sections shown in double underline)

Based upon the analysis and findings contained within the attached initial study, a mitigated negative declaration is proposed by the City of Chico Planning Division for the following project:

PROJECT NAME AND NUMBER: Bruce Road Tentative Subdivision Map (S 04-04)

APPLICANT'S NAME: MBD, Inc., 3110 Shady Grove Court, Chico, CA 95973

PROJECT LOCATION: The proposed subdivision is located on the east side of Bruce Road approximately 400 feet north of Little Chico Creek. The nearest cross-street, Picholine Way, is approximately 600 feet to the south.

PROJECT DESCRIPTION:

Tentative Subdivision Map: The project includes a tentative subdivision map to create 12 single-family lots on approximately 2.5 acres. All of the lots comply with General Plan and Title 19 Land Use and Development Regulations development standards for R2 Medium Density Residential lots. The applicant is requesting modifications to the City of Chico Design Criteria to allow 0.0075'/FT drainage slope on lots 11 and 12, termination of a street without a cul-de-sac, and lot depths greater than three times the width (Lots 10, 11, and 12).

The project site fronts Bruce Road. As previously noted above Bruce Road is planned as a four lane arterial. Full urban improvements are required along Bruce Road. Installation of a second north bound travel lane, Class II bike lane, gutter, curb, parkway and sidewalk will be a part of the subdivision public improvements.

The interior street is designed with 32-foot wide travel lane consisting of two ten-foot travel lanes, and six-foot parking lanes on both sides, allowing on-street parking. Beyond the curb, an eight-foot parkway will be planted with street trees, and four-foot wide sidewalks installed. Street "A," with a distance of 290 feet terminates immediately west of the adjacent undeveloped property, thereby providing for future connectivity to future residential development.

The applicant has indicated there is adequate percolation to retain stormwater run-off on site. The applicant intends to install an underground detention system on the site. The detention system will

be designed so as to be able to connect with development of an off-site storm drain system that may occur as a result of future development in the area.

The applicant has indicated that debris in the swale area will be removed prior to grading. The materials will be taken off-site to an appropriate land fill site. Equipment use to remove the debris will be required to stay outside of the drip line of four large trees located immediately south of the project site.

The initial study indicates that there is no substantial evidence, in light of the whole record before the agency, that the project will have a significant effect on the environment if the following mitigation measures are adopted and implemented for each identified impact:

1. IMPACT B.1 (Air Quality):

Construction of the residential units, may cause short-term nuisance dust, or particulate matter (PM 10).

MITIGATION MEASURE B.1 (Air Quality):

To minimize fugitive dust during construction activities and ensure enforcement of General Plan policies pertaining to air quality, the following mitigation measures shall be included in all future construction plans and documents for the subject parcels:

- a. All grading operations shall be suspended when winds (as instantaneous gusts) exceed 20 miles per hour as directed by the BCAQMD.
- b. Provide temporary traffic control during all phases of construction to improve traffic flow (e.g. flag persons) as determined appropriate by the Department of Public Works
- c. Water active construction sites at least twice daily as directed by the Department of Public Works. Frequency should be based on the type of operation, soil, and wind exposure.
- d. All trucks hauling dirt, sand, soil, or other loose materials should be covered or should maintain at least two feet of freeboard (i.e. minimum vertical distance between top of the load and the trailer in accordance with the requirements of CVC Section 23114. This provision is enforced by local law enforcement agencies.
- e. Sweep streets at the end of the day if visible soil materials are carried onto adjacent public paved roads (recommend water sweeper with reclaimed water).

- f. Cover inactive dirt storage piles that are not utilized within 15 days.
- g. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with BCAQMD Rule 201 & 207 (Nuisance and Fugitive Dust Emissions)

MITIGATION MONITORING B.1:

The Public Works Senior Development Engineer will review final construction plans to ensure that the above measures are included in such plans and related documents. During construction activities, Public Works construction inspectors will regularly inspect the site to verify that all dust suppression measures are being implemented. Butte County Air Quality Management personnel will respond to possible air quality violations on a complaint basis.

2. IMPACT C. 1 (Biological Resources):

The proposed project could impact existing trees on the site as well as three large oaks and one black locust whose drip-lines extend onto the project site.

MITIGATION MEASURE C.1 (Biological Resources):

Prior to issuance of a grading permit or any ground disturbing activities conducted during development of the site, the applicant shall provide a Tree Preservation Plan that maps all trees over 6 inches in diameter at breast height (DBH) and identifies the drip line of the three valley oaks and black locust on the adjacent parcel to the Community Development Division for approval. The map shall indicate the size, location, and common name of the tree. The tree preservation plan shall also include measures as contained within the City's Best Management Practices Manual such as protective fencing to avoid damage to the preserved trees during construction. All native trees over 6 inches in diameter shall be preserved to the maximum extent feasible. Removal of debris on Lots 9, 10, 11, and 12 within the drip line extending from the oak trees and black locust on the adjacent lot shall be done either by hand or using an excavator with treads and a claw with sufficient reach to retrieve materials while positioned outside of the drip-line whenever possible.

Prior to any ground-disturbing activities, including clearing, grubbing, scraping or grading, the developer shall arrange a pre-construction (pre-ground disturbance) site meeting with Planning staff, a qualified arborist, and the supervising contractors/subcontractors. The purpose of the pre-construction site meeting includes verification by Planning staff that protective measures (such as temporary fencing) and location and positioning of the excavator, have been

implemented around the trees, including the drip-line of the three valley oaks and black locust on the adjacent parcel (identified as tree numbers 5, 6, 7, and 8 on the tentative map), to be retained.

MITIGATION MONITORING C.1:

Community Development staff will review and approve the Tree Preservation Plan prior to issuance of a grading permit or any ground disturbing activities. Periodic site inspections will be performed by the Department of Public Works staff during and at completion of construction phases to verify compliance with the approved Plan.

3. IMPACT D.1 (Cultural Resources):

There is the possibility that unknown cultural resources could be uncovered during future construction activities on any of the subject parcels.

MITIGATION MEASURE D.1 (Cultural Resources):

Development Engineering staff with the Department of Public Works will ensure that a note be placed on the final grading plans and improvement plans which states "Should cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to the Planning Division, and a qualified archaeologist will be contacted to conduct meetings with on-site employees and monitor the required mitigation measures." All mitigation measures determined by the Planning Director to be appropriate for this project shall be implemented pursuant to the terms of the archaeologist's report.

MITIGATION MONITORING D.1:

Public Works Department Senior Development Engineer will ensure that the above mitigation will be incorporated into construction contracts and documents to ensure contractor knowledge and responsibility for the proper implementation. Should cultural resources be encountered, the supervising contractor will be responsible for reporting any such findings to the Planning Division. The Planning Director will ensure that a qualified archaeologist is contracted to conduct meetings with on-site employees and monitor the required mitigation measures.

4. IMPACT F.1 (Hazards/Hazardous Materials):

The project is located approximately 275 feet north of several abandoned septage ponds that could be a significant impact as a result of direct human contact with the ponds.

MITIGATION MEASURE F.1 (Hazards/Hazardous Materials):

To minimize the potential of residents from the project from have direct contact with the abandoned septic ponds, the following mitigation measure shall be incorporated into the project: Prior to issuance of certificates of occupancy on any of the proposed twelve single-family lots the property owners shall provide a six-foot high solid fence along the easterly and southerly property line of the project site. The design and location of the fence is to be reviewed by the Planning Division prior to issuance of building permits.

5. IMPACT I.1 (Noise):

The project is located in an area that will be impacted by vehicular noise from the future expansion of Bruce Road to a four lane arterial.

MITIGATION I.1 (Noise):

All residential structures within 100 feet of Bruce Road (proposed Lots 1, 2, 3, 10, 11, and 12 as shown on Tentative Map S 04-04 dated October 20, 2004) shall be constructed using a minium of R13 wall insulation and windows with a minimum Sound Transmission Control (STC) rating of 32. With the implementation of the above mitigation measure, potential impacts relating to noise will be reduced to a **less than significant** level.

MITIGATION MONITORING I.1 (Noise):

Building Division staff with the Department of Community Development will verify residential structures constructed within 100 feet of Bruce Road (proposed Lots 1, 2, 3, 10, 11, and 12 as shown on Tentative Map S 04-04) shall be constructed using a minium of R13 wall insulation and windows with a minimum STC rating of 32.

PROJECT APPLICANT'S INCORPORATION OF MITIGATION INTO THE PROPOSED PROJECT:

I have reviewed the Initial Study for project consisting of Bruce Road Tentative Subdivision Map (S 04-04) and any mitigation measures identified herein. I hereby modify the project on file with the City of Chico to include and incorporate all mitigation set forth in this document.

Martin Luger
Project Applicant

5-7-05
Date

Prepared by: Ed Palmeri
Ed Palmeri, Associate Planner

4/6/05
Date

Reviewed by: Patricia Murphy

4/7/05
Date

Adopted by: _____
Planning Commission
Kim Seidler, Secretary

Date

Exhibit "IP"

**CONDITIONS OF APPROVAL
Bruce Road
Tentative Subdivision Map (S 04-04)**

1. The applicant is authorized to create twelve single-family residential lots for development with single-family residences in substantial compliance with the tentative subdivision map date stamped November 16, 2004.
2. The applicant shall comply with all other State and local Code provisions, including those of the Building Division, Fire Department, and the Department of Public Works. The applicant is responsible for contacting these offices to verify the need for permits.
3. Prior to recording the final map, the applicant shall pay any delinquent taxes and/or assessments against the property.
4. In the event that all fees have not been paid prior to recordation of the final map, the following notation shall be included on the final map:

"In accordance with the provisions of the Chico Municipal Code, a transportation facility fee, park facility fee, and building and equipment fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time a new building or structure is constructed on such lot or parcel, at the time an alteration or addition is made to an existing building or structure constructed on such lot or parcel which results in the expansion of such building or structure, or at the time of a change in use of an existing building or structure constructed on the lot or parcel. In addition, a storm drainage facility fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time such lot or parcel is first used for any residential or nonresidential purpose, at the time the area of the lot or parcel devoted to such residential or nonresidential use is expanded, or at the time of a change in the use of the lot or parcel.

Such transportation facility fee, park facility fee, building and equipment fee and storm drainage facility fee will be calculated from the schedule of such fees adopted by resolution of the City Council and in effect on the date of approval of such final map or parcel map, together with any adjustments to such schedules of fees made in accordance with the provisions of the Chico Municipal Code subsequent to the date of approval of the final map or parcel map to account for any changes in the type or extent of transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which will be required as a result of the development and/or use of real property during the period upon which such fees are based, any change in the estimated cost of the transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities upon which such

fees are based, or any change in that portion of the estimated cost of such transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which cannot be funded from revenue sources available to the City other than such fees."

6. Prior to recording of the Final Map, the applicant shall dedicate additional right-of-way as determined by the Director of Public Works to provide the necessary additional right-of-way width on Street A to accommodate vehicular turning movements and a five-foot wide pedestrian walkway on both Street A and Bruce Road.
7. Driveways for Lots 1 and 12 shall be designed with either angled or 90 degree parking and adequate back-up sight-distance onto Street "A." The location and design of on-site parking for Lots 1 and 12 shall be reviewed and approved by the Planning Division and adequate sight distance shall be determined by the Director of Public Works prior to approval of building permits.
8. Fencing for Lots 1 and 12 shall not exceed six feet in height along Bruce Road and shall be reduced to three feet in height within fifteen feet of the property line on Street "A".
9. The subdivision shall not be designed with a cul-de-sac at the easterly terminus of Street "A".
10. No more than five trees located on the property and depicted on the tentative subdivision map shall be removed.
11. MITIGATION MEASURE B.1 (Air Quality):

To minimize fugitive dust during construction activities and ensure enforcement of General Plan policies pertaining to air quality, the following mitigation measures shall be included in all future construction plans and documents for the subject parcels:

- A. All grading operations shall be suspended when winds (as instantaneous gusts) exceed 20 miles per hour as directed by the BCAQMD.
- B. Provide temporary traffic control during all phases of construction to improve traffic flow (e.g. flag persons) as determined appropriate by the Department of Public Works
- C. Water active construction sites at least twice daily as directed by the Department of Public Works. Frequency should be based on the type of operation, soil, and wind exposure.
- D. All trucks hauling dirt, sand, soil, or other loose materials should be covered or should

maintain at least two feet of freeboard (i.e. minimum vertical distance between top of the load and the trailer in accordance with the requirements of CVC Section 23114. This provision is enforced by local law enforcement agencies.

- E. Sweep streets at the end of the day if visible soil materials are carried onto adjacent public paved roads (recommend water sweeper with reclaimed water).
- F. Cover inactive dirt storage piles that are not utilized within 15 days.
- G. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with BCAQMD Rule 201 & 207 (Nuisance and Fugitive Dust Emissions)

12. MITIGATION MEASURE C.2 (Biological Resources):

The proposed project could impact existing trees on the site as well as three large oaks and one black locust whose drip-lines extend onto the project site; therefore, the following mitigation measures shall be included in all future construction plans and documents for the subject parcels:

Prior to issuance of a grading permit or any ground disturbing activities conducted during development of the site, the applicant shall provide a Tree Preservation Plan that maps all trees over 6 inches in diameter at breast height (DBH) and identifies the drip line of the three valley oaks and black locust on the adjacent parcel to the Community Development Department for approval. The map shall indicate the size, location, and common name of the tree. The tree preservation plan shall also include measures as contained within the City's Best Management Practices Manual such as protective fencing to avoid damage to the preserved trees during construction. All native trees over 6 inches in diameter shall be preserved to the maximum extent feasible. Removal of debris on Lots 9, 10, 11, and 12 within the drip line extending from the oak trees and black locust on the adjacent lot shall be done either by hand or using an excavator with treads and a claw with sufficient reach to retrieve materials while positioned outside of the drip-line whenever possible.

Prior to any ground-disturbing activities, including clearing, grubbing, scraping or grading, the developer shall arrange a pre-construction (pre-ground disturbance) site meeting with Planning staff, a qualified arborist, and the supervising contractors/subcontractors. The purpose of the pre-construction site meeting includes verification by Planning staff that protective measures (such as temporary fencing) and location and positioning of the excavator, have been implemented around the trees, including the drip-line of the three valley oaks and black locust on the adjacent parcel

(identified as tree numbers 5, 6, 7, and 8 on the tentative map), to be retained.

13. MITIGATION MEASURE D.1 (Cultural Resources):

The project is located in an area that could contain cultural resources; therefore, the following mitigation measures shall be included in all future construction plans and documents for the subject parcels:

Public Works staff shall require that a note be placed on the final grading plans which states "Should cultural resources be encountered, the supervising contractor shall be responsible for reporting any such findings to the Planning Division, and a qualified archaeologist will be contacted to conduct meetings with on-site employees and monitor the referenced mitigation measures." All mitigation measures determined by the Planning Director to be appropriate for this project shall be implemented pursuant to the terms of the archaeologist's report.

14. MITIGATION I.2 (Noise):

The project is located in an area that will be impacted by vehicular noise from the future expansion of Bruce Road to a four lane arterial ; therefore, the following mitigation measures shall be included in all future construction plans and documents for the subject parcels:

All residential structures within 100 feet of Bruce Road (proposed Lots 1, 2, 3, 10, 11, and 12 as shown on Tentative Map S 04-04 dated October 20, 2004) shall be constructed using a minium of R13 wall insulation and windows with a minimum Sound Transmission Control (STC) rating of 32.

15. IMPACT F.1 (Hazards/Hazardous Materials):

The project is located approximately 275 feet north of several abandoned septage ponds that could be a significant impact as a result of direct human contact with the ponds.

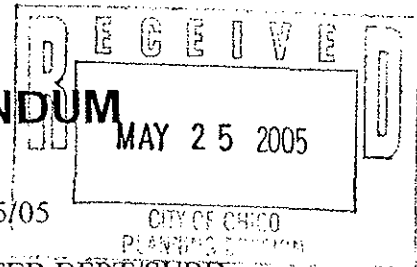
MITIGATION MEASURE F.1 (Hazards/Hazardous Materials):

To minimize the potential of residents from the project from have direct contact with the abandoned septic ponds, the following mitigation measure shall be incorporated into the project: Prior to issuance of certificates of occupancy on any of the proposed twelve single-family lots the property owners shall provide a six-foot high solid fence along the easterly and southerly property line of the project site. The design and location of the fence is to be reviewed by the Planning Division prior to issuance of building permits.



EXHIBIT "III"

CITY OF CHICO MEMORANDUM



TO: CITY PLANNING COMMISSION DATE: 5/25/05
FROM: SENIOR DEVELOPMENT ENGINEER FILE: INTER DEPT/SUBD
RE: TENTATIVE SUBDIVISION MAP OF: S 04-04 BRUCE ROAD "REVISED"

SUBDIVISION REPORT

This office has reviewed the Tentative Subdivision Map S 04-04 Bruce Road and herewith submits the following findings and recommendations for same.

A. MODIFICATIONS TO TITLE 18R - DESIGN CRITERIA AND IMPROVEMENT STANDARDS OF THE CHICO MUNICIPAL CODE

The Subdivider has requested certain modifications to Titles 18R of the Chico Municipal Code (CMC). These requests have been listed on the Tentative Map application, described by the Subdivider and/or their engineer, or appear on the Tentative Map. The requests and staff recommendations are as follows:

1. **Request:** Allow lot depths greater than three times the width.

Recommendation: Acceptable.

2. **Request:** Allow the street to terminate without cul-de-sacs.

Recommendation: Acceptable.

THE CONDITIONS CONTAINED IN THE REMAINDER OF THIS REPORT REFLECT, WHERE APPLICABLE, THE RECOMMENDATIONS ABOVE.

B. PUBLIC FACILITY CONSTRUCTION

1. STREETS

- a) The Subdivider shall construct City standard streets and appurtenant facilities at the following locations in conformance with the typical sections attached hereto as Exhibit A:

- 1) Interior to subdivision - Full urban improvements.
- 2) Adjacent to subdivision - Full urban improvements along Bruce Road.

- b) All corner lots shall be subject to intersection sight distance criteria as established by the Director of Public Works. Appropriate easements shall be dedicated as needed on the Final Map.

- c) Notice is hereby given to future owners of lots within this subdivision that the City of Chico will require the construction of additional traffic circulation improvements under the circumstances described below. An appropriate note shall be placed on the Final Map.
- d) Street names shall be approved by the City's Community Development Department, prior to recordation of the Final Map.

2. STORM DRAINAGE

a) Facility Construction

The Subdivider shall design and install the following City standard storm drain facilities:

- 1) Interior to Subdivision - Curb, gutter and an underground storm drain system with all appurtenances.
- 2) Adjacent to Subdivision - Curb, gutter and an underground storm drain system with all appurtenances along the subdivision frontage on Bruce Road.
- 3) Exterior to Subdivision - An underground storm drain and outfall structure discharging into Little Chico Creek, at Bruce Road, may be required if the Subdivider's proposed drainage system design (as described in item B.2.b., below), is unable to meet the following conditions:
 - There will be adequate clearance between the proposed temporary on-site storm water leach trench and the existing water table; and
 - Adequate cover can be provided in the street area, over the proposed oversized perforated pipes in the leach trench.

b) Water Quality and Quantity Treatment

The Subdivider is proposing to satisfy both water quality and quantity mitigation issues, by installing a system consisting of a concrete storm drain manifold/distribution box and a leach trench with oversized perforated pipes.

Calculations have been submitted to the City indicating that the system is sufficiently sized to retain all storm water runoff from a 10-year event, on-site. The Subdivider is intending this leach trench system to be a temporary disposal solution, until future development southeast of this site provides a permanent outfall structure into Little Chico Creek. Once a permanent outfall structure is in place the on-site manifold structure will meter storm water flows at the pre-development rates.

The proposed leach trench will provide water quality mitigation. During the design phase of the project the Subdivider must prove that sufficient clearance can be provided between the bottom of the trench and the water table. If sufficient clearance can not be provided an alternative method of quality treatment that is acceptable to the Director of Public Works will be provided by the Subdivider.

c) Storm Drainage Master Plan

In conjunction with the first submittal of improvement plans, the Subdivider shall submit a Storm Drainage Master Plan to the Department of Public Works for review and approval. Said Master Plan shall cover the entirety of the natural storm drain tributary area affected by the proposed subdivision.

The Storm Drainage Master Plan shall address the following elements:

1) Storm Water Runoff Management

The runoff management plan shall establish specific measures to accomplish the following:

- No net increase in peak flow in Little Chico Creek.
- Erosion control.
- Pollutant runoff control, including first flush mitigation, (the first 1/2-inch of runoff shall be intercepted and treated).
- Incorporate Best Management Practices (BMPs) per City of Chico's Best Practices Manual dated September 1998.

The plan shall stipulate the measures to be implemented and the means of implementation by the Subdivider during construction and after construction but prior to lot development.

The plan shall establish any design constraints to be placed upon both public and private facility construction.

2) Storm Drainage Analysis

The storm drain analysis shall establish tributary area, size, grade, depth, and location for all the following storm drain facilities:

- Underground pipes.
- Improved channels.
- Storm water runoff management facilities.
- Outfall facilities discharging to natural channels.
- Both ultimate and interim facilities serving streets exterior to the subdivision that are required to be constructed herein.

d) Statement of Effective Storm Water Disposal

The storm drainage system for this project shall meet the following standards:

- 1) No net increase in the peak flow in Little Chico Creek.
- 2) Intercept and treat the first flush runoff (defined as the first 1/2-inch of runoff).

These standards are to be met through the preparation and implementation of a site specific storm drainage master plan which shall incorporate one or more Best

Management Practices (BMPs) as set forth in the City of Chico's Best Practices Manual. A review of this project, including the project location, has been made. Based on this review, it has been concluded that the use of one or more such BMPs will provide an adequate mechanism to meet the standards set forth herein and, therefore, provide the required mitigation of storm drainage effects resulting from the project.

- e) The subdivider shall pay a storm drain fee in accordance with the requirements of the Chico Municipal Code.

3. SANITARY SEWER

a) Facility Construction

The Subdivider shall design and install the following City standard sanitary sewer facilities:

- 1) Interior to Subdivision - An underground sanitary sewer system, with all appurtenances, serving all lots.
- 2) Adjacent to Subdivision - An underground sanitary sewer system, with all appurtenances, along the subdivision frontage.

b) Sanitary Sewer Analysis

In conjunction with the first submittal of improvement plans, the Subdivider shall submit a sanitary sewer analysis to the Department of Public Works for review and approval. Said analysis shall cover the entirety of the tributary area served by the sewer system required herein and shall include analysis and design of the following sewer system elements:

- 1) Size, grade, depth and location of gravity sewer lines.
- 2) Approved pumping plants, including service to an interim tributary area, if applicable.
- 3) Preliminary system design for future upstream tributary areas, if applicable.
- 4) Downstream sanitary sewer system capacity.

c) Sanitary Sewer Fees

The Subdivider shall complete an Application for Sewer Connection.

The Subdivider shall pay a sanitary sewer main fee to the City of Chico prior to filing the Final Map, plus applicable trunk line and water pollution control plant capacity fees in conjunction with building permits for each lot. These fees are subject to the terms and conditions of Application for Sewer Connection No. 5233.

4. STREET SIGNS AND STRIPING

The Subdivider shall install City standard street signs, regulatory signs, pavement striping and pavement markings on all streets, and bicycle facilities that they are required herein to construct.

5. STREET LIGHTS

The Subdivider shall install City standard street lights on steel poles with concrete bases on all streets that they are required herein to construct.

6. BICYCLE FACILITIES

The Subdivider shall construct the following bicycle facilities:

Signing and striping for Class II bicycle lanes on the following streets: Bruce Road.

7. STREET TREES

Street trees shall be planted in accordance with the recommendation of the Park Department as outlined in a memorandum dated 11/30/04 and attached hereto as Exhibit B.

8. LANDSCAPING

The Subdivider shall install landscaping and an irrigation system at the following locations:

The future centerline median islands within Bruce Road.

C. MAINTENANCE

Prior to filing the Final Map, the Subdivider shall be required to make provisions to fund the maintenance of certain public improvements. The improvements to be covered within the City right-of-way, shall be:

1. The storm water quality and quantity mitigation facilities, acceptable to the Director of Public Works.
2. Future participation in any assessment district formed for the planned installation of landscaped medians islands along Bruce Road.

The Subdivider shall prepare the necessary documents and provide the required supporting documents to establish a maintenance assessment district. Formation of a maintenance assessment district requires action by the City Council. The district or alternate funding mechanism must be complete and formed prior to recordation of the Final Map.

D. SUBDIVISION GRADING

1. SOILS REPORT

The Subdivider shall submit a Geological and/or Soils Report, prepared by a registered engineer, that includes, but is not limited to, the following:

- a) An investigation of the nature, distribution and strength of existing soils.
- b) A description of site geology.
- c) Conclusions and recommendations covering the adequacy of the site for the proposed development, storm drainage disposal, grading procedures and corrective measures.

Please be advised that the vicinity of this project has previously demonstrated shallow water tables that may rise to a shallow depth and impact subsurface drainage disposal facilities or otherwise reach the surface and impact surface drainage. The possibility of this condition shall be investigated and its impact addressed. This investigation shall occur during the wet season to ensure that an accurate minimum depth to the water table is determined.

- d) Verification that the site is suited to proposed BMPs.

2. GRADING STANDARDS

All subdivision grading shall be in conformance with Chapter 16R.22, Grading Standards, of the Chico Municipal Code.

3. GRADING PLAN

The Subdivider's engineer shall submit a subdivision grading plan that includes, but is not limited to, the following:

- a) The subdivision limits, contours and details of existing terrain and drainage.
- b) Existing structures or other topographic features that are to remain undisturbed.
- c) The proposed subdivision lots and streets, together with a schematic layout of the proposed storm drain system.
- d) Existing ground elevations at all corners of proposed lots.
- e) Proposed finished lot corner grades and finished pad grades.
- f) Proposed lot grades indicating lot drainage.
- g) Pertinent construction details to assure compliance with City of Chico Grading Standards.

4. FINAL GRADING REPORT

Upon completion of the subdivision grading and prior to final inspection by the City, the Subdivider's engineer shall submit a Final Grading Report that certifies the following:

- a) That final grading complies with the approved grading plan or any approved revisions.
- b) That the subdivision soils are adequately compacted for their intended use, in conformance with City of Chico Grading Standards. The results of all field density tests and all other substantiating data shall be included in the Final Grading Report.

The subdivision grading plan shall be submitted to the Director of Public Works for review and approval prior to the start of any work and shall be considered as part of the construction plans.

E. PROPERTY CONVEYANCES

DEDICATIONS

In conjunction with recordation of the Final Map for this subdivision, the Subdivider shall:

1. Dedicate a 50-foot half-width public right-of-way to the City of Chico along the easterly half of Bruce Road, as necessary to construct the public improvements required herein. This includes, but is not limited to the installation of roadway, curb and gutter, sidewalk, sanitary sewer, and storm drainage facilities.
2. Dedicate a 56-foot public right-of-way to the City of Chico depicted as Street A, as necessary to construct the public improvements required herein. This includes, but is not limited to the installation of roadway, curb and gutter, sidewalk, sanitary sewer, and storm drainage facilities.
3. Convey to the City all abutter's rights of access from the abutting lots of the subdivision along Bruce Road.
4. Dedicate a 10-foot-wide public service easement adjacent to all public rights-of-way.
5. Dedicate a 3-foot-wide public utility easement adjacent to all side lot lines.

F. OTHER PUBLIC SERVICES

1. PUBLIC UTILITIES

a) Underground Requirements

The Subdivider shall install all new utilities to serve this subdivision, underground.

b) Easement Obstructions

All public utility and/or public service easements shall be kept free and clear of any and all obstructions, including but not limited to, structures, longitudinal fencing and/or soundwalls, which may impede the construction, operation and maintenance of public utility facilities within such easements.

c) Utility Company Comments

- 1) Telephone - SBC, at the date of this report, did not respond to a request for comments.
- 2) Pacific Gas and Electric Company, at the date of this report, did not respond to a request for comments.
- 3) California Water Service Company, at the date of this report, did not respond to a request for comments.

2. FIRE PROTECTION

The Subdivider shall pay for the installation of fire hydrants within the subdivision in conformance with the recommendations of the City of Chico Fire Department. The recommendation for the installation of fire hydrants is shown on a copy of the Tentative Map

on file in the Community Development Department and the Office of the Chief, Fire Department.

3. UNITED STATES POSTAL SERVICE

The Subdivider shall install a concrete pad for NDCBU delivery at the common lot line for Lots 9/10 of the subdivision as shown on a tentative map submitted to the Public Works Department by the local office of the United States Postal Service.

4. CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

The State of California, Regional Water Quality Control Board, Central Valley Region, in its letter dated 11/29/04, has made certain comments relative to this subdivision, said letter is attached hereto as Exhibit C. These comments shall be incorporated into the Final Map and/or improvement plans of this subdivision.

G. PERMITS FROM OUTSIDE AGENCIES

The Subdivider shall obtain all required permits from outside agencies having pertinent jurisdiction prior to recordation of the Final Map for this subdivision.

H. DESIGN CRITERIA AND IMPROVEMENT STANDARDS

All public improvements shall be designed in accordance with Chapter 18R.08, Design Criteria, of the Chico Municipal Code, except as modified by the conditions of approval for this subdivision.

The Subdivider shall submit improvement plans, profiles, typical sections, details and specifications to the Department of Public Works for review and approval prior to the start of any construction of public improvements.

All public improvements shall be constructed in conformance with Chapter 18R.12, Improvement Standards, of the Chico Municipal Code and in conformance with the details shown on the approved improvement plans.

I. ADMINISTRATIVE REQUIREMENTS

1. SUBDIVISION IMPROVEMENT AGREEMENT

If the public improvements required herein are not satisfactorily completed prior to recordation of the Final Map, the Subdivider shall enter into a subdivision improvement agreement in conformance with Chapter 18.36, Subdivision Improvement Requirements, of the Chico Municipal Code.

2. SUBDIVISION FEES

a) Plan Checking Fee

The Subdivider shall pay to the City of Chico a subdivision plan checking fee upon filing the Final Map and/or improvement plans and specifications for checking in the following amount:

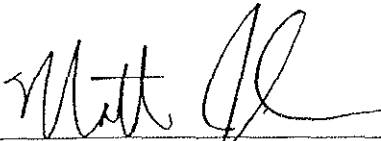
An initial deposit of 1½% of the estimated cost of all public improvements exclusive of private utility facilities (\$750 minimum). A final fee equal to actual City costs.

b) Inspection Fee

The Subdivider shall pay to the City of Chico an inspection fee prior to commencing construction in the following amount:

An initial deposit of 2% of estimated cost of all public improvements exclusive of private utility facilities. A final fee equal to actual City costs.

Recommendations and comments of all parties to whom the Tentative Map was circulated for review are on file with the respective parties and in the Community Development Department.



Matt Johnson, Senior Development Engineer

Attachments: Exhibits A, B, C

Distribution: Original - Planning Division